

EXTRA.



The British Columbia Gazette.

PUBLISHED BY AUTHORITY.

VICTORIA, JUNE 6TH, 1904.

APPOINTMENTS.

PROVINCIAL SECRETARY'S OFFICE.

HIS HONOUR the Lieutenant-Governor has been pleased to make the following appointment:—
6th June, 1904.

FRANCIS LOVETT CARTER-COTTON, of the City of Vancouver, Esquire, to be a Member of the Executive Council of the Province of British Columbia.

PROVINCIAL SECRETARY'S OFFICE.

HIS HONOUR the Lieutenant-Governor has been pleased to make the following appointment:—
6th June, 1904.

The Honourable FRANCIS LOVETT CARTER-COTTON, to be President of the Council.

PROVINCIAL SECRETARY'S OFFICE.

HIS HONOUR the Lieutenant-Governor in Council has been pleased to make the following appointments:—

4th June, 1904.

JAMES KILVINGTON WORSFOLD, of Victoria, Esquire, to be *Assessor* and *Collector* under the Assessment Act, for the Victoria Assessment District:

And a *Collector* under the "Revenue Tax Act, 1901."

WILLIAM GORDON, of Victoria, Esquire, to be *Chief Clerk* in the office of the Provincial Secretary, in the room and stead of Mr. J. K. Worsfold.

6th June, 1904.

Constable ROBERT PYPFER, of Soda Creek, to be *Acting Chief Licence Inspector* under the "Liquor Licence Act, 1900," for the 150-Mile House Licence District.

LANDS AND WORKS.

NOTICE is hereby given that the Craigflower Bridge is closed to traffic during repairs and until further notice.

F. C. GAMBLE,
Public Works Engineer.

*Lands and Works Department,
Victoria, B. C., 6th June, 1904.*

je6

[L.S.]

HENRI G. JOLY DE LOTBINIERE.

CANADA.

PROVINCE OF BRITISH COLUMBIA.

EDWARD VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, KING, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come.—GREETING.

Charles Wilson, Attorney-General. } **WHEREAS** by section 3 of the "Municipalities Incorporation Act" (Chapter 143, Revised Statutes of British Columbia, 1897), as enacted by section 2 of chapter 55 of the Statutes of 1899, it is provided that it shall be lawful for the Lieutenant-Governor in Council, by Letters Patent under the Great Seal, to incorporate and erect into a City Municipality any locality in the Province under conditions therein specified:

And whereas a petition has been addressed to the Lieutenant-Governor in Council by the registered owners of more than one-half in value of the land within the limits of that locality in Oyster District, Vancouver Island, hereinafter described, praying that the said locality may be incorporated into a Municipality:

And whereas the conditions laid down in the said section have been duly complied with:

And whereas the Honourable Sir HENRI G. JOLY DE LOTBINIERE, Lieutenant-Governor of Our Province of British Columbia, by and with the advice of the Executive Council, under and by virtue of the powers and authorities conferred upon him by the said Act, and of all other powers and authorities him in that behalf enabling, hath ordered that all that piece of land situate, lying and being in the said Oyster District, and being composed of those portions of Lots 56 and 24, in said District, which may be described as follows:

Commencing at a point on the south boundary of Lot 24 and the north boundary of Lot 56, said point being 560 feet due west of the south-east corner post of said Lot 24; thence along the north-east side of the Esplanade in a north-westerly direction for a distance of 1,715 feet; thence along the north-west side of Symons street in a south-westerly direction a distance of 2,760 feet; thence along the south-west side of Sixth Avenue in a south-easterly direction a distance of 3,480 feet; thence along the south-east side of Methuen Street in a north-easterly direction a distance of 2,760 feet; thence along the north-east side of the Esplanade in a north-westerly direction a distance of 1,765 feet to the point of commencement, and containing two hundred and twenty acres, more or less; and the inhabitants thereof shall, from and after the 3rd day of June, A. D. 1904, be incorporated as a Municipality under the said Act, and hath made further provisions to the tenor and effect hereinafter appearing:

NOW KNOW YE, that by these presents WE do hereby order and proclaim that the locality hereinbefore described, and the inhabitants thereof, shall, from and after the said date, be incorporated as a City Municipality, under and subject to the provisions of the "Municipalities Incorporation Act," the "Municipal Elections Act," and the "Municipal Clauses Act," and all amendments to said Acts, or any one or more of them, and under and subject to the provisions hereinafter contained or referred to.

The said Municipality shall be called and known by the name and style of "The Corporation of the City of Ladysmith."

The said Municipality shall comprise all that piece or parcel of land hereinbefore described.

The Council shall consist of a Mayor and seven Aldermen, and the whole number present at each meeting thereof shall be not less than four.

The nomination shall take place, and the poll, (if any) shall be held at the Opera House, in said Municipality.

The nomination for the first election of a Mayor and Aldermen shall be on the 11th day of June, A. D. 1904, at 12 o'clock, noon, and the polling (if any) shall be on the 15th day of June, A. D. 1904, and shall continue for one day only, and the poll shall be kept open between the hours of 10 A. M. and 4 P. M., and John Stewart, of Ladysmith, Esquire, J. P., shall be the Returning Officer thereat.

The qualification of the members of the first Council shall be identical with the qualifications contained in section 14 of the "Municipal Clauses Act," as amended by section 3 of chapter 42 of the Statutes of 1903-4, save that the last revised Provincial Assessment Roll shall be referred to.

The persons qualified to vote for Mayor and Aldermen at the first election, and at all elections and bye-elections to be held during the year 1904, shall be all persons who are male British subjects of the full age of twenty-one years, and have resided in the limits of the City for the three months next preceding the date of such election, and

- (a.) Who are the assessed owners of lands or real property situate within the Municipality: or
- (b.) Who are the tenants in possession of lands or real property situate within the Municipality, paying therefor a rental having a monthly value of at least five dollars,

and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election.

It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses and occupations of all persons, qualified to vote as aforesaid, who make application to him, as aforesaid, to have their names placed on such list, and such list shall be the list of the electors for such elections.

Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorised to administer oaths, setting forth his name, address, occupation and qualifications as aforesaid, which declaration shall be filed with the Returning Officer.

Such list and declarations shall be open to inspection by any person within lawful hours.

Any person may complain that his name is improperly omitted from the voters' list, or that any other name is improperly inserted thereon, and may apply to any Judge of the Supreme or County Court to have his name inserted thereon or to have any names improperly inserted thereon struck off the said list. In such latter case reasonable notice, to be determined by the Judge applied to, shall be given to the person whose name is proposed to be struck off. The Judge shall hear and dispose of all such applications in a summary way, and the Returning Officer shall amend the list in accordance with the Judge's decision.

At least six days' notice of the time and place of nomination and of holding of the poll (if any) shall be given by the said Returning Officer; such notice to be posted during that period in the manner provided by section 30 of the "Municipal Elections Act."

The Returning Officer shall, on the day of nomination, at 2 o'clock P.M., announce the names of the persons put in nomination in that behalf as candidates for the offices of Mayor and Aldermen, as prescribed by the "Municipal Elections Act."

At the close of the time for nominating the candidates the Returning Officer shall deliver to every candidate, or agent of a candidate, applying for the same, a duly certified list of the names of the several candidates who shall have been nominated; and any votes given at the election for any other candidates than those so nominated shall be null and void.

If, at the expiration of the time appointed for the election as aforesaid, no more candidates stand nominated than there are vacancies to be filled up, the Returning Officer shall forthwith declare the candidates who may stand nominated to be elected, and return their names to the Registrar of the Supreme Court.

No speeches or interruption to the proceedings of nominating candidates at the hustings shall be permitted by the Returning Officer between the reading of the notice of election and the closing of the proceedings on nomination day by the Returning Officer.

If, at the expiration of such time, more candidates stand nominated than there are vacancies to be filled, the Returning Officer shall declare the names of the candidates, and publicly proclaim the day previously stated in his proclamation, and the place or places at which the poll shall be so opened in the Municipality, for the purpose of taking the votes of the electors according to law; and shall then adjourn the election, and shall take a poll by ballot, and shall cause to be posted notices of his having granted such poll, indicating the names, residences, and occupations of the candidates so nominated, in the order in which they shall be printed on the ballot papers, which notices shall, as soon as possible after the nomination, be placarded in all the places where the proclamation for the election was posted.

If, after the adjournment of an election by the Returning Officer for the purpose of taking a poll, one of the candidates nominated shall die before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh: Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

In case of a poll being held the candidates (duly qualified) who shall obtain the greatest number of votes shall be Mayor and Municipal Aldermen respectively.

Every person qualified to vote shall have eight votes, being one for each Alderman to be elected, and one for Mayor, but he may vote for any less number than eight: Provided always, that he shall not cast more than one vote in favour of any one candidate, or vote on more than one occasion, except for Mayor. And in the event of the number of votes being found to have been equal for any two or more candidates, one or more of whom, but not all of such candidates, being by the state of the poll entitled to be declared elected, the Returning Officer shall, by a casting vote or votes, as the case may be, decide which of the candidates for whom the votes may be equal shall be elected: Provided that the said Returning Officer shall not vote except in case of an equality of votes as aforesaid.

All expenses attendant upon the said election shall be borne by the Municipality.

The opening of the ballot boxes and counting the votes shall be in the presence of the candidates if they attend for that purpose.

The Returning Officer, after the declaration of the poll, shall retain the ballot papers and boxes until a Clerk shall be duly appointed, to whom he shall forthwith deliver the same.

Every person who shall have presented himself for nomination, and who shall have been elected a Mayor or an Alderman, must serve for the term for which he has been elected, unless in the case of sickness, or in default pay a sum of fifty dollars towards the Municipal Revenue; such sum, with costs, shall be recoverable by the Clerk of the Municipality, summarily, before any Justice of the Peace.

Any vacancy in the office of Mayor or Alderman shall be filled as provided by the "Municipal Elections Act."

Until the said Municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole City.

The Mayor and Aldermen elected at the first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die or resign or become disqualified.

The first meeting of the Council shall be held on the first Saturday after the day of election, at the said building, at two o'clock in the afternoon.

Until provision be made by by-law in that behalf, all proceedings at and relating to the meetings of the Council shall be held and taken in accordance with the provisions contained in the "Municipal Clauses Act," and all the powers, privileges and duties of the Mayor and Council shall be the same as those prescribed by the said Act.

At the first meeting, or as soon thereafter as possible, the Council may elect a Clerk, Treasurer, Collector and Assessor, or such officers as they may deem necessary, who shall hold such office during the pleasure of the Council, and receive such remuneration as the Council may by by-law appoint.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of the said Province to be hereunto affixed: WITNESS, the Honourable Sir HENRI GUSTAVE JOLY DE LOTBINIÈRE, Lieutenant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this third day of June, one thousand nine hundred and four, and in the fourth year of Our Reign.

By Command.

FREDK. J. FULTON;

Provincial Secretary.